

OFFICE OF THE MAYOR LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

April 29, 2015

Allison Lundergan Grimes
Commonwealth of Kentucky Secretary of State
700 Capital Avenue, Suite 152
Frankfort, KY 40601

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY

RECEIVED AND FILED

RE:

2014 Annexation Approvals by the Metro Council of the Louisville/Jefferson County Metro Government ("Metro Council")

Dear Secretary of State:

KRS 67C.111(3) provides:

(3) Upon the adoption of a consolidated local government in a county containing a city of the first class, there shall be no annexations for a period of twelve (12) years by any city remaining in the county. After that time, any proposed annexation by a city in that county shall first receive the approval of the legislative council of the consolidated local government prior to the city proceeding under the provisions of KRS Chapter 81A. The city shall request the approval of the consolidated legislative council by ordinance. The consolidated legislative council's decision shall be made by ordinance and within sixty (60) days of the receipt of the request by the affected city. If an ordinance has not been enacted by the consolidated legislative council within sixty (60) days, the request for a city to proceed with an annexation proposal shall be deemed to be approved by the consolidated legislative council.

In 2014, the Metro Council approved six (6) different ordinances authorizing annexations within Louisville Metro as follows:

- 1. Metro Ordinance No. 087, Series 2014, authorizing Jeffersontown to annex 2 tracts of land as requested by Jeffersontown in Ordinance No. 1304-2014, and approved by Jeffersontown in Ordinance Nos. 1303-2014 and 1306-2014.
- 2. Metro Ordinance No. 215, Series 2014, authorizing Jeffersontown to annex property described as Chenoweth Hills Estates as requested by Jeffersontown in Ordinance No. 1318-2014 and approved by Jeffersontown in Ordinance No. 1326-2015.
- 3. Metro Ordinance No. 214, Series 2014, authorizing St. Matthews to annex 416 Springwood Lane, and 4905 and 4125 Massie Avenue, as requested by St. Matthews in Ordinance No. 14-13 and approved by St. Matthews in Ordinance No. 14-12.

- 4. Metro Ordinance No. 055, Series 2014, authorizing St. Matthews to annex 11 houses on Springwood Lane, as requested by St. Matthews in Ordinance No. 13-07 and approved by St. Matthews in Ordinance No. 14-01.
- 5. Metro Ordinance No. 160, Series 2014, authorizing Middletown to annex the Beckley Woods Subdivision, as requested by Middletown in Ordinance No. 14-16 and approved by Middletown in Ordinance No. 14-17.
- 6. Metro Ordinance No. 147, Series 2014, authorizing St. Matthews to annex the City of Richlawn, as requested by the City of St. Matthews in Ordinance No. 14-10 and the City of Richlawn in Ordinance No. 2014-04. The annexation question was submitted to the voters of the City of Richlawn on Election Day in November 2014. See page 17 of the Jefferson County Board of Elections Official Results of the General Election held November 4, 2014, which indicate that the Richlawn annexation by St. Matthews was opposed by more than 55% of the voters. Therefore, pursuant to KRS 81A.420(3), the annexation was ineffectual.

Enclosed with this letter are certified copies of the Metro Ordinances referenced in subparagraphs 1 through 5 above, the election results referenced in paragraph 6 above, and the materials submitted to Metro by the cities of Jeffersontown, St. Matthews and Middletown seeking Metro Council authorizations for the annexations. These materials include the items required to be filed by these cities with the Secretary of State and the County Clerk.

Due to the unique nature of a consolidated local government, Louisville/Jefferson County Metro Government is not deannexing the property sought to be annexed by cities located in Jefferson County. While the boundaries of the annexing cities will expand as a result of these annexations, the boundaries of Louisville Metro will remain unchanged. As such, there is no requirement that Metro submit or record any documentation under KRS Chapter 81A. We are providing the Metro Ordinances and other enclosed documentation to your office as a matter of information and convenience.

Finally, please note that regardless of when the cities' ordinances approving the annexations may have been adopted, annexations within Louisville Metro may not take effect until on or after January 6, 2015, which is 12 years after Louisville/Jefferson County Metro Government came into existence.

If you need any additional information, please call me at (502) 574-8134. Thank you for your assistance in this matter.

Sincerely,

Barbara E. Elliott

Assistant Counsel to the Mayor

Barbaro E. Ellesto

Cc: Stephen Ott, Metro Council Clerk Sarah Martin, Assistant Jefferson County Attorney Materials accompanying paragraph #4



LOUISVILLE METRO COUNCIL CLERK'S OFFICE

H. STEPHEN OTT CLERK OF THE COUNCIL

I, H. STEPHEN OTT, CLERK OF THE METRO COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND CUSTODIAN OF THE ORIGINAL ROLLS OF THE CITY OF LOUISVILLE ORDINANCES, JEFFERSON COUNTY ORDINANCES, LOUISVILLE JEFFERSON COUNTY METRO GOVERNMENT ORDINANCES, PUBLIC RECORDS, PAPERS AND DOCUMENTS OF THE FORMER BOARD OF ALDERMEN OF THE CITY OF LOUISVILLE, FISCAL COURT OF JEFFERSON COUNTY AND LOUISVILLE METRO GOVERNMENT, AND PURSUANT TO SECTION 83A.060 OF THE KENTUCKY REVISED STATUTES, I DO HEREBY CERTIFY THAT THE ATTACHED IS A FULL AND TRUE COPY OF:

ORDINANCE No. 055, Series 2014

AN ORDINANCE OF THE LOUISVILLE METRO COUNCIL TO APPROVE THE ANNEXATION BY THE CITY OF ST. MATTHEWS OF A TRACT OF LAND KNOWN AS SPRINGWOOD SUBDIVISION. (As Amended)

DATED THIS 18TH DAY OF FEBRUARY 2015

H. STEPHEN OTT, COUNCIL CLERK LOUISVILLE METRO COUNCIL LOUISVILLE/JEFFERSON COUNTY

METRO GOVERNMENT

SEAL

ORDINANCE NO. <u>055</u>, SERIES 2014

AN ORDINANCE OF THE LOUISVILLE METRO COUNCIL TO APPROVE THE ANNEXATION BY THE CITY OF ST. MATTHEWS OF A TRACT OF LAND KNOWN AS SPRINGWOOD SUBDIVISION. (As Amended)

Sponsored By: President King and Councilmembers Yates, Downard, Fleming, Kramer, and Woolridge

WHEREAS, on December 10, 2013 the City of St. Matthews voted unanimously in favor of an ordinance to annex a tract of land with eleven (11) houses located on Springwood Lane and described hereafter as Springwood Subdivision;

WHEREAS, the boundaries of Springwood Subdivision are contiguous with the City of St. Matthews but not the former City of Louisville;

WHEREAS, a petition in support of the annexation by the City of St. Matthews was signed by all 11 homeowners of the Springwood Subdivision;

WHEREAS, KRS 67C.111(3) requires the City of St. Matthews to obtain approval of the annexation from Louisville Metro Council prior to the City of St. Matthews proceeding with the annexation requirements under KRS Chapter 81A;

WHEREAS, KRS 67C.111(3) gives Louisville Metro Council the authority to approve or deny annexation requests "by ordinance and within sixty (60) days of the receipt of the request" and if Louisville Metro Council does not act within "sixty (60) days, the request for a city to proceed with an annexation proposal shall be deemed to be approved";

WHEREAS, the City of St. Matthews filed a request on January 29, 2014 with the Office of the Metro Council Clerk requesting that the Louisville Metro Council approve the annexation of the Springwood Subdivision (see attached);

WHEREAS, the Louisville Metro Council members support the annexation of the Springwood Subdivision by the City of St. Matthews for the following reasons: (1) there are a limited number of houses involved in the proposed annexation; (2) the Springwood Subdivision is a small tract of land completely surrounded by <u>and contiguous with</u> the City of St. Matthews;

(3) the Springwood Subdivision is not contiguous with the boundary of the former City of Louisville; (4) the Springwood Subdivision is an unincorporated portion of Jefferson County and is not included within the boundary of another incorporated city besides the City of St. Matthews; (5) all of the homeowners in the Springwood Subdivision signed a petition in favor of annexation; (6) the City of St. Matthews currently provides municipal services and plans to continue to provide municipal services to the homeowners of the Springwood Subdivision; and (7) there is a minimal loss of tax revenue to Louisville Metro Government; (8) there could be a cost savings to Louisville Metro Government by no longer being legally responsible for municipal services in the Springwood Subdivision; (7) the Springwood Subdivision is suitable pursuant to KRS 81A.410 for annexation by the City of St. Matthews;

WHEREAS, Louisville Metro Council has been advised by legal counsel that KRS 67C.111(3) bars annexations by the City of St. Matthews until January 2015; and

WHEREAS, for the reasons stated above Louisville Metro Council wishes to proceed with approval of the City of St. Matthews' annexation ordinance to become effective upon the date provided in KRS 67C.111(3).

BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: Metro Council hereby approves the annexation of the parcel known as Springwood Subdivision and adopted by the City of St. Matthews in its ordinance number 10-07 on December 10, 2013 (attached hereto) pursuant to its authority under KRS 67C.111(3).

SECTION II: This ordinance shall take effect on the date provided in KRS 67C.111(3).

H. Stephen Ott

Metro Council Clerk

March 27, 2014
Approval Date

Jim King
President of the Council

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Michael J. O'Connell Jefferson County Attorney **Approval Date**

Ordinance re Approval of St Matthews Annexation ROCsjm REV 13 March 2014 Ordinance re Approval of St Matthews Annexation ROCsjm/acb As Amended 21March 2014

> LOUISVILLE METRO COUNCIL READ AND PASSED March 27, 2014

OFFICE OF METRO COUNCIL CLERK

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Ougil S. O.

Telephone (502) 583-2808 Fax 583-2029 B-Mall: fraggreeatt act

Foster L. Hauns Attorney

January 28, 2014

CITY OF ST. MATTHEWS
Office of City Attorney
One Riverfront Plana - Suite 2016

401 West Main Street

Louisville, Kentucky 40202-4284

Louisville/Jefferson County Metro Council City Hall Louisville, Kentucky 402021

HAND DELIVERY

Your Honor:

I am delivering to you herewith the following in compliance with KRS 67C.111, as adopted by the 2000 General Assembly effective July 14, 2000, consolidated local government having been adopted by popular vote at the 1999 General Election:

- Copy of City of St. Matthews Ordinance No. 13-07.
- Attachment to ordinance being the signatures of the entire City Council of the City of St. Matthews;
- Certification of ordinance by City Clerk, Susan Clark.
- Evidence of newspaper publication of the above ordinance.
- 5. Copy of petition of 100% of the owners/residents of the annexation area.
- Full sized plat of the annexation area as published with the subject ordinance.

We respectfully request the approval of the Louisville/Jefferson County Metro Council as seemingly required by KRS 67C111(3), the constitutionality of which is not conceded.

Mayor Bernard F. Bowling, Jr. and/or I would be happy to answer any questions you may have or to personally appear before the Council or any Committee thereof.

Yours very truly,

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Foster L. Haunz, Attorney

FLH:hs

CITY OF ST. MATTHEWS

ORDINANCE NO. 13-07

AN ORDINANCE RELATING TO REQUESTING THE APPROVAL BY THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL OF THE ANNEXATION BY THE CITY OF ST. MITHEWS OF A TRACT OF LAND KNOWN AS SPRINGWOOD SUBDIVISION. WHICH LAND IS CONTIGUOUS WITH THE EXISTING BOUNDARY OF THE CITY OF ST. MATTHEWS, BUT NOT CONTIGUOUS TO THE BOUNDARY OF THE FORMER CITY OF LOUISVILLE. AND BEING IN THE UNINCORPORATED AREA OF THE FORMER COUNTY OF JEFFERSON

WHEREAS, the City of St. Matthews seeks to annex the following described tract of land (with improvements) which tract is not contiguous with the boundary of the former City of Louisville: and

WHEREAS, One Hundred Percent (100%) of the residents and property owners residing within the annexation area have executed their written consent to the subject annexation by the City of St. Matthews; and

WHEREAS, the City of St. Matthews is ready and able to immediately begin furnishing municipal services to the area upon annexation of the area; and

WHEREAS, KRS 67C.111 requires that the annexation receive the approval of the legislative council of the consolidated local government (the Louisville/Jefferson County Metro City Council) prior to the City proceeding under the provisions of KRS Chapter 81A; now, therefore

BE IT ORDAINED BY THE CITY OF ST. MATTHEWS as follows:

Section 1. The City of St. Matthews hereby seeks and requests the approval of the Louisville/Jefferson County Metro Council of the annexation of Springwood Subdivision less the area within 125 feet of the center line of Massie Avenue which is already in the City of St. Matthews, by the City of St. Matthews.

Section 2. This ordinance shall take effect upon its adoption and publication as required by law.

Introduction and first reading held at a regular meeting of the City Council held this 26th day of

November, 2013.

Second reading, passed and approved, December 2013.

Bernard F. Bowling, Jr., Mayo

ATTEST:

Susan Clark, City Clerk

Voting Record:		
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Arthur K. Drapu	Frank Flynn	_ =
Squart Monohan 7/1	Mary Jo Nay	۵۱.
Martha Schade	Rick Tonini	<u> </u>
Tony Weiter	Pat Wissing	Z' \

1, Susan Clerk, hereby certify that I am the duly appointed and acting City Clerk of the City of St. Matthews and that the vote on this ordinance was as above checked and I hereby certify that this is a true copy of City of St. Matthews Ordinance No. 13-07, adopted by the City Council on December 9, 2013.

Dated this 10 day of December, 2013.

Susan Clark, City Clerk

tomorrow. Supper, 6 p.m. For individuals and families living with loss. Co-sponsored by

2. www.stmichaelchurch.org. Alzheimer's Association Memory Cafe. Kaden Tower,

Email items to listings@courier-journal.com.

CITY OF ST. MATTHEWS

ORDINANCE NO. 13-07

AN ORDINANCE RELATING TO REQUESTING THE APPROVAL BY THE LOUISVILLE/JEFFERSON COUNTY METRO COUNCIL OF THE ANNEXATION BY THE CITY OF ST. MATTHEWS OF A TRACT OF LAND KNOWN AS SPRINGWOOD SUBDIVISION, WHICH LAND IS CONTIGUOUS WITH THE EXISTING BOUNDARY OF THE CITY OF ST. MATTHEWS, BUT NOT CONTIGUOUS TO THE BOUNDARY OF THE FORMER CITY OF LOUISVILLE, AND BEING IN THE UNINCORPORATED AREA OF THE FORMER COUNTY OF JEFFERSON

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WHEREAS, the City of St. Matthews is ready and able to immediately begin furnishing municipal services to the area upon annexation of the area; and

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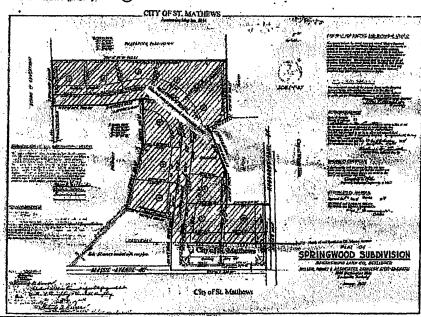
Introduction and first reading held at a regular meeting of the City Council held this 26th day of November, 2013.

Second reading, passed and approved, December 10, 2013.

ATTEST:

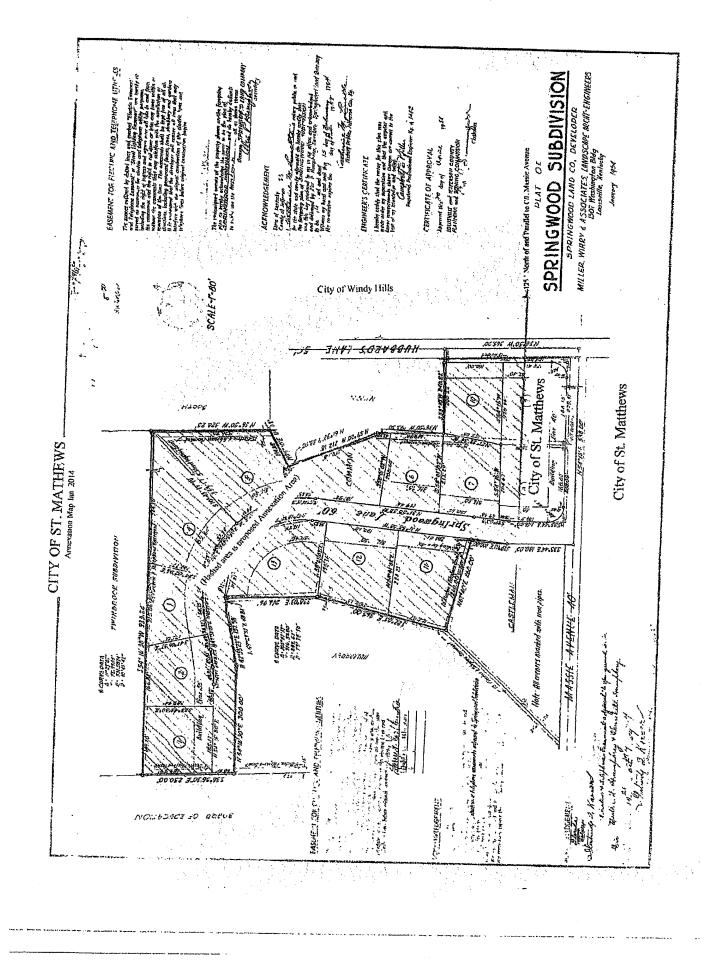
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Bernard Bowling



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STEMATTHEWS PAGES



ADDITIONAL DOCUMENTS INCLUDED WITH SUBMISSION.

To research the filing, contact the Office of Secretary of State.